

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE

DOUGLAS WHISNANT,)	
)	
Petitioner,)	
)	
v.)	Nos.: 3:07-CR-32-TAV-HBG-1
)	3:16-CV-181-TAV
UNITED STATES OF AMERICA,)	3:16-CV-370-TAV
)	
Respondent.)	

MEMORANDUM OPINION

Federal prisoner Douglas Whisnant (“Petitioner”) filed a pro se successive petition for post-conviction relief pursuant to 28 U.S.C. § 2255 on April 18, 2016 [Doc. 120; E.D. Tenn. Case No. 3:16-cv-181-TAV].¹ Noting that this Court had previously denied relief on an earlier petition [Docs. 111, 112], the Court construed Petitioner’s request as one for leave to file a successive petition and transferred the filing to the Sixth Circuit in accordance with 28 U.S.C. 1631 [Doc. 121]. Before the Court now is a supplement filed pursuant to the Court’s February 11, 2016 Standing Order, E.D. Tenn. S.O. 16-02 (Feb. 11, 2016), elaborating on the merits of Petitioner’s earlier request for relief based on *Johnson v. United States*, 135 S. Ct. 2551 (2015).

It appears that the Court inadvertently opened a new civil case [*See generally* E.D. Tenn. Case No. 3:16-cv-370-TAV], when in fact the filing should have been docketed as a supplement to Petitioner’s previously transferred request for leave to file a successive petition [Doc. 124]. As such, the Clerk will be **DIRECTED** to forward a copy of counsel’s

¹ Each document will be identified by the Court File Number assigned to it in the underlying criminal case: E.D. Tenn. Case No. 3:07-cr-32-TAV-HBG-1.

supplement [Doc. 124] to the Sixth Circuit Court of appeals so that it might be considered in conjunction with Petitioner's existing request for leave to file a successive petition.

ORDER ACCORDINGLY.

s/ Thomas A. Varlan
CHIEF UNITED STATES DISTRICT JUDGE